REMARKS/ARGUMENTS

In an Office Action mailed November 3, 2004 (the "Office Action"), the Examiner:

A. Rejected claims 21-22, 24-29, and 31 under 35 U.S.C. 103(a) as being
   unpatentable over Levens et al in view of Brown;

B. Rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over Levens et al
   in view of Brown and further in view of Irie; and

C. Rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over Levens et al
   in view of Brown and further in view of Moganti.

Applicant thanks the Examiner for his discussion of the following remarks in a telephone
call on November 16, 2004.

REMARKS

Applicant respectfully requests reconsideration in view of the following amendments and
remarks.

The present invention relates to detecting incoming Internet telephony calls and signaling
such calls to recipients who otherwise may have difficulty hearing a telephone ring.
None of the references cited by the Examiner concern or address this problem:

> Levens concerns detecting Dual-Tone, Multi-Frequency (DTMF) tones in
> an audio stream and suppressing/blocking these tones in the audio stream
> if they are detected. (Levens, title and abstract) As noted in Levens,
> DTMF tones are "used for dialing and switching purposes, as well as for
> end-user control applications, such as Interactive Voice Response
> systems." (Levens, col. 1: lines 19-21). DTMF tones, however, are not
> used as signals for incoming calls. Moreover, in Levens, when a DTMF
> tone is detected, it is suppressed in the audio stream, rather than routed to
> a speaker.

> Brown concerns a switching circuit for routing analog audio signals (i.e.,
> conventional phone calls, not Internet telephone calls) and digital data so
> that a single phone line can be used by multiple devices (Brown, col. 1:
> line 41 and col. 2: lines26-34).

> Irie concerns a method of detecting if a Call Alert Signal (CAS) is being
> sent to facilitate caller ID service (Irie, col. 1).

Moganti concerns telephone answering machines (Moganti, abstract).

Independent claims 21, 24, 25, and 31 are allowable over Levens, Brown, Irie, and Moganti, both individually and in combination, because all of these references fail to teach multiple limitations in these claims, including:

> one or more switches for <u>routing an audio input signal to a speaker remote from a headset if one or more frequencies corresponding to an incoming call signal are detected</u> and routing the audio input signal to the headset if the one or more frequencies corresponding to an incoming call signal are not detected (See claim 21);

> <u>routing an audio input signal to a speaker remote from a headset if one or more frequencies corresponding to a telephone ring signal are detected,</u> and routing the audio input signal to the headset if the one or more frequencies corresponding to a telephone ring signal are not detected (See claim 24);

> <u>sending an output signal to a speaker remote from a headset if a signal corresponding to an incoming call is detected,</u> and sending an audio input signal to the headset if the signal corresponding to an incoming call is not detected (See claim 25); or

> a central processing unit with logic that detects a signal corresponding to an incoming call in an audio input signal, <u>sends an output signal to a speaker remote from a headset if the signal corresponding to an incoming call is detected,</u> and sends the audio input signal to the headset if the signal corresponding to an incoming call is not detected (See claim 31).

In paragraph 3 of the Office Action, the Examiner states that "Levens teaches a circuit and method, (see figure 1) comprising: one or more frequency filters (i.e., band pass filter) for <u>detecting one or more frequencies corresponding to an incoming call signal</u> in an audio input signal in an internet telephone device . . ." (emphasis added)

Applicant respectfully disagrees. The detection of DTMF tones in Levens does not correspond to the detection of an "incoming call signal" as required by the claims. DTMF tones are the frequencies generated when a number, *, or # key is pressed on a touch-tone phone. DTMF tones are not incoming call signals.

In addition, even assuming for the sake of argument that DTMF tones correspond to an incoming call signal (they in fact do not), Levens teaches that the DTMF tones are

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suppressed if they are detected, rather than routed to a speaker. Thus, there can be no motivation to combine Levens with Brown, Irie, and/or Moganti because such a combination would render Levens unsatisfactory for its intended purpose (suppressing DTMF tones) and would change the principle of operation of Levens. See MPEP Section 2143.01.

Because independent claims 21, 24, 25, and 31 are allowable over Levens, Brown, Irie, and Moganti, dependent claims 22, 23, and 26-30 are also allowable.

Thus, Applicants respectfully request that the Examiner withdraw all of the present 103(a) rejections because: (1) the Examiner has failed to establish a prima facie case for obviousness and (2) there is no motivation to combine Levens with the other cited references.
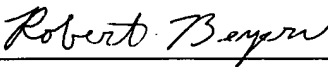
CONCLUSION

In light of the foregoing, the rejections in the Office Action mailed November 3, 2004 are believed to be traversed, and Applicant requests that the rejections be withdrawn and that the claims be passed to allowance.

If the Examiner believes a discussion of the above would be useful, he is invited to call the Applicant's attorney, Dr. Robert Beyers, at (650) 843-7528.

Respectfully submitted,

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